

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES BREWER, individually and on
behalf of all other similarly situated current
and former employees of Defendant,

Plaintiffs,

v.

GENERAL NUTRITION CORPORATION,

Defendant.

Case No. 11-cv-3587 YGR

PRETRIAL ORDER NO. 6
REGARDING BRIEFING ON TRIAL SUBPOENA
ISSUES AND REIMBURSEMENT DAMAGES
CALCULATION

The Court issues this further pretrial order to address two outstanding issues:

(1) Trial Subpoena Issues

Defendant General Nutrition Corporation (GNC) has filed a Motion to Quash Plaintiffs' Trial Subpoenas. (Dkt. No. 355.) In response, Plaintiffs have filed an opposition brief (Dkt. No. 359), as well as a Motion for Declaratory Relief (Dkt. No. 358). The Court sets the following schedule for hearing and briefing on the trial subpoena issues:

(a) Hearing on the Motions to Quash and for Declaratory Relief is **SET for Monday, February 1, 2016, at 9:30 a.m.**

(b) GNC shall file any response to the arguments made in Plaintiffs' opposition or Motion for Declaratory Relief no later than **1:00 p.m. on Friday, January 29, 2016.**

(2) Expert Opinion Regarding Reimbursement Claim

Plaintiffs are **ORDERED** to lodge with the Court:

(a) the information upon Dr. Jeffrey S. Kane relied in calculating the reimbursement scenarios at Tables 10-13 (pages 16-18) in his report, including number of stores, distance from each store to its bank, and any evidence of representations from GNC regarding the same;

(b) the relevant portion(s) of Dr. Kane's deposition where this information was discussed.

1 Plaintiffs shall lodge copies of the responsive documents with the Court no later than **1:00**
2 **p.m. on Friday, January 29, 2016.**

3 **IT IS SO ORDERED.**

4 Dated: January 27, 2016

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6 **YVONNE GONZALEZ ROGERS**
7 **UNITED STATES DISTRICT COURT JUDGE**
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